



UNITED STATES GOVERNMENT  
**NATIONAL LABOR RELATIONS BOARD**  
FREEDOM OF INFORMATION ACT BRANCH  
Washington, D.C. 20570

Via email

April 15, 2022

Re: FOIA Request NLRB-2022-000177

Dear Mr. James Devereaux (NRTW):

This is in response to your request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, received on November 17, 2021, in which you requested:

1. Any guidance, memoranda, or opinion letters or other related documents (however denominated) issued by the DAEO concerning the possible recusal of Members Wilcox and Prouty.
2. Any document referenced in the guidance, memoranda, or opinion letters issued by the DAEO concerning the possible recusal of Members Wilcox and Prouty.
3. Any document the DAEO relied upon in concluding that “no applicable ethics statute, regulation, or other provision required Member Wilcox or Member Prouty to recuse themselves.”

You assumed financial responsibility in the amount of \$60.00 to process your request but asked that fees be waived.

We acknowledged your request on November 17, 2021. In a December 30, 2021 phone conversation with a member of my staff, you agreed to accept the records responsive to FOIA request NLRB-2022-000150 to satisfy your request.

Pursuant to the FOIA, a search of the Agency’s FOIA request processing system, FOIAonline, has been conducted. The search located the records released in FOIA Request NLRB-2022-000150, which I have attached. I am also attaching, for your convenience, a copy of the response letter that accompanied this FOIA production as it explains the redactions to the attached records and the withheld records.

For the purpose of assessing fees, we have placed you in Category D, the “all other requesters” category, because you do not fall within any of the other fee categories. Consistent with this fee category, you will be assessed charges to

recover the reasonable direct costs for searching for the requested records, except that you will not be charged for the first two hours of search. NLRB Rules and Regulations, 29 C.F.R. § 102.117(d)(2)(ii)(D). Under the circumstances of this request, there are no fees assessed.

You may contact Stephanie Ostrowski, the Attorney-Advisor who processed your request, at (202) 501-8648 or by email at [stephanie.ostrowski@nrlb.gov](mailto:stephanie.ostrowski@nrlb.gov), as well as the Agency's FOIA Public Liaison, for any further assistance and/or to discuss any aspect of your request. The FOIA Public Liaison, in addition to the Attorney-Advisor, can further explain responsive and releasable agency records, suggest agency offices that may have responsive records, and/or discuss how to narrow the scope of a request in order to minimize fees and processing times. The contact information for the FOIA Public Liaison is:

Kristine M. Minami  
FOIA Public Liaison  
National Labor Relations Board  
1015 Half Street, S.E., 4<sup>th</sup> Floor  
Washington, D.C. 20570  
Email: [FOIAPublicLiaison@nrlb.gov](mailto:FOIAPublicLiaison@nrlb.gov)  
Telephone: (202) 273-0902  
Fax: (202) 273-FOIA (3642)

After first contacting the Agency, you may additionally contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA dispute resolution services it offers. The contact information for OGIS is:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road-OGIS  
College Park, Maryland 20740-6001  
Email: [ogis@nara.gov](mailto:ogis@nara.gov)  
Telephone: (202) 741-5770  
Toll free: (877) 684-6448  
Fax: (202) 741-5769

You may obtain a review of this determination under the NLRB Rules and Regulations, 29 C.F.R. § 102.117(c)(2)(v), by filing an administrative appeal with the Division of Legal Counsel (DLC) through FOIAonline at: <https://foiaonline.gov/foiaonline/action/public/home> or by mail or email at:

Nancy E. Kessler Platt  
Chief FOIA Officer  
National Labor Relations Board

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1015 Half Street, S.E., 4<sup>th</sup> Floor  
Washington, D.C. 20570  
Email: DLCFOIAAppeal@nrlrb.gov

Any appeal must be postmarked or electronically submitted within 90 calendar days of the date of this letter. Any appeal should contain a complete statement of the reasons upon which it is based.

Please be advised that contacting any Agency official (including the Attorney-Advisor, FOIA Officer, or the FOIA Public Liaison) and/or OGIS does not stop the 90-day appeal clock and is not an alternative or substitute for filing an administrative appeal.

Sincerely,

*/s/ Synta E. Keeling*

Synta E. Keeling  
FOIA Officer

Attachment: (43 pages)